Previous references.

File No. 135-07

1907.

Serial Nos. 142

(Courts)

Later references.

cls 169-08 1-2 B Dec'08.

Ch. 333-11-(1-4)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 142

Part B. for Dec.-07

SUBJECT.

Draft rule of Practice re the disposal of records of Criminal Courts

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Table of contents.

(1) From The Registrar, Chief Court. No 3289/1792 D/ 11.11.07
Forwards a draft rule of practice for regulating the procedure of Criminal Courts in the matter of the disposal of records

(2) To The Registrar, Chief Court. No J 1724 D/ 5.12.07
Approves of the above with slight modifications

G.R.S. 11] 1907/8

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

64 File. No. 1358-07

FILE HEADING.

Draft Rule of Practice re the disposal of Records in Criminal Courts

From

The Registrar of the Chief Court of Mysore

No. 3289/179 Dated 11.11.07 Received 12.11.07

Diary No. 9/1258 Enclos. 5 Spare Copies. 8 Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a draft rule of practice for regulating the practice of Criminal Courts in the matter of the disposal of Records.

NOTES AND ORDERS.

Flag V

1 The present rules on the subject are contained on pages 60 and 61 of the Criminal Digest. The enclosed list table compares the proposed and present practice regarding the disposal of Records.

NOTES.—First sheet.

GPB—30,000—20-3-06.

G. R. S. 12]
General and Revenue Secretariat.

6/p File No. 135 of 190 7

Serial No.	Proposed Practice	Existing Practice
1	Preservation of Records in Courts of Sessions & Addl Sessions Judge, in Central Records.	1. No Correspondig rule they are probably maintained in the Courts Concerned
2	Records of Asst Comr and Munsiffs Magistrates to be sent to Dt. Magistrates' Courts	2. Do.
3	Amildar Magistrates to keep their Records in their own Courts.	3. Do.
4	Facing Sheet to put up on Records	4. Rule 1, Page 53 of the Criminal Digest (under Records)
5 and 6	Division of Records with a View to their preservation [This Division seems to have been ~~meant~~ made on the same lines as those for civil Courts Records]	5. No Such rule. 6 The nearest approach to them are Contained in Rule 1406 (page 60 of the Digest)
7	The preservation of Court Registers Etc	7. No Such rule.
8	When to destroy records which are evidence in another Case still undisposed of	8. Do

NOTE—Contn sheet.

GPB—50,00017—3-07

G. R. S. 12]
General and Revenue Secretariat.

File No. 135 of 1907

Serial No.	Proposed Practice	Existing Practice.
9	Inspection of Records once a quarter	9 As Inspection annually - Rule 7. page 61.
10	Records how to be destroyed	10. ~~Not applicable~~. Rule 8 - Page 61 of the Digest [But the chief Court state that the old practice was to sell it as waste paper]
11	Notifying to the Public the destruction of Records	11. Rule no 9. Publication in the Gazette not necessary under old rules.
12	Records non-judicial in character	12. No such rule.

2 The proposed rule of Practice seems to be a great improvement on the old one

Draft approving the same Submitted for approval or for other orders

sns SN 16.11.07.

3 Gazettes other than the Mysore Gazette, if any, are proposed to be destroyed after three years. May it not be considered desirable to keep them permanently?

4 Draft approving submitted.

5 Not necessary

6 (Secy.) 19.11.07. WMS

Dewan through 872

4926 21/11/07

HBS

21/11

The "Mysore Gazettes" may be sold by auction

NOTE—Contn sheet.

GPB—50,00017—3·07

Serial No.

by auction in convenient lots. They will be used by bazarmen as wrappers; & if they contain any permanently useful matter such as official papers &c, parcels would first be

& the draft as altered may be approved

23/XII/07

9 Submitted to the Dewan.
25.11.07.

7030/25/11/07

10 draft approved by Dewan
29.11.07

11 Issue

30/11

6/12/2

To The Registrar, Chief Court. No J 1724 d. 5/12/07

Approves of the above with a request that in regard to "Other Gazettes" provision may be made whereby they may be sold by auction instead of being burnt; & that a few spare copies of the rule be sent to Court after publication.

NOTE—Contn sheet.

GPB—50,00017—3-07

J 1258

No. 3289 Jud: T. 11 Nov 11 / 179

Bangalore dated 11th November 1907.

From, Cb 135-07-1

V.A.Rajaratna Mudaliar Esq.,

Registrar, Chief Court of Mysore.

To,

C.S.Balasundaram Iyer Esq.,

Offg: Secretary to Government,

General and Revenue Departments.

Sir,

I am directed to forward for the approval of Government, under section 554 of the Code of Criminal Procedure, the enclosed draft Rules of Practice for regulating the practice of the Criminal Courts in the matter of the ~~destruction~~ disposal of records The existing Rules of Practice on the subject (Nos.3,13,22 & 66) are not quite comprehensive, and frequent references are made by Magistrates in regard to points not dealt with therein. They have therefore been consolidated and amplified in the enclosed draft which is mainly taken from the Rules in force in Madras. After the approval of Government has been received, the rules will be duly published in the Mysore Gazette.

I have the honour to be,

Sir,

Your most obedient servant,

V.A.Rajaratnamudaliar

REGISTRAR.

B.V. AM

Rule of Practice no: 3 dated 28 May 1878.
do no: 13 — 11 July 1879
— do — no: 22 — 3 to aug 1880
— do — no: 66 — 6 " Dec: 1898.

In the Chief Court of Mysore.

Criminal Side.

Rule of Practice No. Dated

O::-

Under section 554 of the Code of Criminal Procedure and with the concurrence of Government, the Chief Court has framed and issues the following rules in supersession of the rules noted on the margin for regulating the practice of the Criminal Courts in regard to the disposal of records.

1. The records of the Sessions & Assistant Sessions Judges will be preserved in the Central Records attached to the District Court.

2. The Assistant Commissioners and Munsiffs who are Magistrates should send all the records of the criminal cases disposed of by them to the District Magistrate's courts six months after their disposal, where they will be kept and dealt with -- under these rules.

3. The Amildar Magistrates will keep the records of criminal cases disposed of by them in their own records.

4. An index of the form prescribed in A of the Appendix will be put up with the record of every case on its first institution in each court, and each paper, as it is filed with the record, will be entered in such index.

5. Every record shall, after its completion and immediately before it is deposited in the record room, be divided into parts as shown in the table given in B of the Appendix, and to facilitate this division, each paper will, soon as it is filed with the record, be numbered and marked in the index as appertaining to one or another of such parts.

6. The parts of records described in the table given in C of the Appendix will be retained for the periods respectively - specified against them from the date of their completion, provided that in any case the presiding Judge or Magistrate may, for reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed; in which case the fact will be noted in the index, and the papers dealt with as if they had belonged from the commencement to the part to which they were so transferred.

7. The Court Registers, books and papers, described in the table given in D of the Appendix, will be retained for the periods respectively specified against them, reckoning from their dates, or from the dates at which they close.

Provided that a Sessions Judge or a District Magistrate may, in his discretion, direct the retention, for a longer period or permanently, of papers which he may consider likely to be useful in the future, as containing the results of inquiries or -- other information, or the opinions of experienced officers in matters connected with the general administration of Justice, and provided also that no criminal court subordinate to the Magistrate of the District, shall cause any papers to be destroyed under - the next succeeding rule without having first obtained from such Magistrate of the District, permission in writing to do so.

8. Where any document, of which the destruction is ordered by these rules is, before it has been destroyed, made evidence in any other proceeding, the rule regulating its destruction will be the rule applicable to evidence filed in such proceeding, where the period prescribed by such last mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

9. All records, books and papers, described in the tables

given

given in C & D of the Appendix, must be destroyed without fail at the expiration of the periods respectively indicated against them; and the records should be examined once a quarter in every court to see that the rule has been duly observed.

10. Records, books and papers to be destroyed under rule 5 are to be burnt in the presence of the Record-keeper. The practice of selling them as waste paper is prohibited.

11. To enable parties, who have filed documents in Court to withdraw them before the periods appointed for their destruction, a notice will be published in the Mysore Gazette in ~~January~~ July of each year, stating that all documents filed in the magisterial cases (to be therein enumerated) will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice; and the following note will also be entered at the foot of every copy of an order granted to any of the parties to the proceeding in which such order was made, or to the Pleaders or authorized agents of such parties :-

" The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve, as the record will be liable to be destroyed after three years from this date ".

12. The above rules do not apply to non-magisterial records of Revenue Officers, such as Gazette files &c., but apply only to the judicial records of those officers.

Registrar.

Appendix.

A.

Form of Index.

(Rules 1 & 2).

(Application or Appeal or Calendar).

No. of 19 on the file of the Court of

in the District of

Serial number of the paper.	Description of the paper and its date.	Date when the paper was filed in the case.	Number of the part of the record to which the paper appertains.	Alphabetical or numerical mark of the exhibits filed.	Remarks.

Records and copies.

B.

Table showing the division of the record and the description of the papers falling under each division.

(Rule 2).

Class of cases	Divisions of the record and description of the papers falling under each division.
Trials (otherthan summary).	Part I. 1. Index. 2. Judgment and sentence if any, (original and appellate). 3. Petition of Appeal or application for revision, or Letter of referring Court, and judgment and order thereon. 4. Charges. 5. Documentary evidence.
Summary trials.	All papers including Register.
Miscellaneous cases.	1. Index. 2. Order, and grounds, if any (original and appellat 3. Petition of Appeal or application for revision, or Letter of referring Court and judgment and order thereon. 4. Documentary evidence.
Trials (other than summary).	Part II. 1. Warrant of commitment to jail, if any. 2. Complaints to Magistrates when acted upon by the Magistrate. 3. Reports by the Police under sections 174 & 175 of the Criminal Procedure Code, Act X of 1882, when followed by action on the part of the Courts. 4. Oral evidence. 5. All papers not already specified.
Miscellaneous cases.	1. Oral evidence. 2. All papers not already specified.

Table showing the periods prescribed for the retention of the various parts of the records in the various classes of Proceedings.

Rule 3.

Nature of Proceedings.	Number of years for which records are to retained.	
	Part I.	Part II.
1. Sessions Cases*	20	3
2. Warrant cases*	20	3
3. Summons cases	5	
4. Summary trial		
(a) Forms kept under section 263 of the Code of Criminal Procedure and judgments recorded under section 264 in cases where either Some of the accused or parties proceeded against have not been apprehended, or, the accused or any of them have been convicted of an offence, a repitition of which renders the offender liable to whipping or to enhanced punishment	10	
(b). All other records	3	
~~5. Appeals in regular Criminal cases~~		
5. In Miscellaneous Proceedings#		
(a) Maintenance	20	3
(b). Nuisance	10	3
(c). Security to keep the peace or for good behaviour.	10	3
(d) Other miscellaneous Proceedings.	3	3

~~ex~~ * In cases in which the sentence is one of transportation for life, the judgment must be preserved until a report is received of the convicts death or release.

Where in an Appeal or Revision, an order or judgment of a subordinate Court ~~in miscellaneous proceedings~~ is taken into consideration by a superior Court, the period for retention of proceedings in such appeal or revision shall be the same as for the records of the original tribunal.

D.

Table showing the periods prescribed for the retention of the various Court Registers, Books and Papers.

(Rule 4).

No.	Description of Court Registers, books and papers.	Number of years for which registers &c are to be retained.
3.	Repealed Acts or Regulations.....	Permanent.
4.	Cash-book and ledger.....	10.
7.	Registers (other than of summary Trials) in the use of Criminal Courts.....	5.
10.	Copyist's Registers and Process Service Registers.....	3.
11.	Other Registers:- Account Books other than Cash book & ledger Register of applications for return of documents Receipt books for documents returned to parties. Stationery accounts Postage accounts. Account of fines and forfeitures. Contingent bills & Registers. Register of moveable and immoveable property attached..... Register of Commissions issued.	3.
12.	Challan and Cheque books.....	10.
12a.	Magisterial Registers of correspondence received and despatched.....	5.
13.	Other Court or office books & Registers.....	3.
14.	Mysore Gazette.....	Permanent.
15.	~~Post Saint Cottage~~ Other Gazettes(if received) ..... ~~Except Parts IA and II.....~~	3 ~~Do~~ 10.
16.	Official correspondence with the Chief Court and all orders including Administration Reports received from the Chief Court and Government other than those provided for above or hereafter	20.
17.	Other official correspondence relating to matters which have terminated.....	3.
18.	Yearly and half yearly Statements.....	5.
19.	Monthly and Quarterly statements including accounts of stamp duties and penalties.....	3.
20.	Application for leave and orders thereon applications from candidates for employment and reports on applications not relating to proceedings in Court.	1.
21.	Magisterial diaries, Police Arrest Returns, Police occurrence reports (other than those pertaining to Part I, & police Reports on unnatural and sudden deaths).....	3.
22.	Register of Petitions.....	12.
23.	Pay and Acquittance Rolls.....	20.

B.V.

G.R.S. 28]

File No. 135-07
Serial No. 2

Diary No. of letter replied to 9/258

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(G)

the 190

Date of issue 5-12-1907

Signed by Mr K. Nylar Rao

READ—

Letter no 3289 dated the 11th November 1907 from the Registrar of the Chief Court of Mysore submitting for approval under Sec 554 of the Code of Criminal Procedure a draft rule of Practice for regulating the practice of the Criminal Courts in the matter of the disposal of records.

ORDER THEREON.—No.

Order thereon J.1724
Gls. 135-07-2
Approved. A few spare

over

with a request that in regard to "Other Records" (Item 15 in Table) wherein may be made hereby they may be sold by auction instead of being burnt under rule 5

SUBJECT

Copies sent 4/12
[illegible] 4/12

GPB—7,000—1-3-07

Copies of the rule may be
sent to Government after
it has been duly published
in the Gazette.

USR 24/11/14

Secy to Govt
To the Registrar of the Chief
Court of Mysore

Recd 16.11.07

24/11/1907